

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FIDENCIO FLORES,

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL NO. 2:11-CV-132


**OPINION AND ORDER DENYING MOTION FOR LEAVE
TO FILE OUT-OF-TIME APPEAL**

Final Judgment denying § 2254 relief to Petitioner was entered December 12, 2011 (D.E. 16). On July 5, 2013, Petitioner filed a motion for leave to file an out-of-time notice of appeal (D.E. 17).

The time limits for taking an appeal to the Court of Appeals in a civil case are set forth in FED. R. CIV. P. 4(a) (1). The time limit is thirty days, and can be extended another thirty days upon a showing of good cause or excusable neglect. FED. R. CIV. P. 4(a)1) and (a)(5). The time to file an appeal can be reopened under limited circumstances, but only for 180 days after entry of judgment. FED. R. CIV. P. 4(a)(6). Over eighteen months have passed since judgment was entered in this case. The time limits for noticing an appeal in a civil case are mandatory and jurisdictional. *Bowles v. Russell*, 551 U.S. 205, 127 S.Ct. 2360, 2366 (2007). Petitioner has cited no authority to support his position that a Spanish speaking litigant is entitled to an exception to this rule, and the court knows of none.

Accordingly, the motion for leave to file an out-of-time notice of appeal (D.E. 17) is denied in all things.

SIGNED and ENTERED this 18th day of July, 2013.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE